

IC 13-18-2

Chapter 2. Water Pollution Agency Under Federal Law

IC 13-18-2-1

Powers; cooperation with federal agencies; federal funds; approval of projects; participation in proceedings

Sec. 1. In carrying out the purposes of IC 13-13-5-1(1), the department may, in addition to any other action that is necessary or appropriate to carry out the purpose of IC 13-13-5-1(1), do the following:

- (1) Cooperate with the United States Surgeon General and other agencies of the federal government, other states, interstate agencies, and other interested parties in all matters relating to water pollution, including the development of programs for eliminating or reducing pollution and improving the sanitary condition of waters.
- (2) On behalf of Indiana, apply for and receive money made available to the department under the Federal Water Pollution Control Act by any agency of the federal government. However, all money received from any federal agency:
 - (A) shall be paid into the state treasury; and
 - (B) shall be expended, under the direction of the department, solely for the purpose for which the grant has been made.
- (3) Approve projects for which application for loans or grants under the Federal Water Pollution Control Act is made by:
 - (A) any political subdivision or other public body created by or under Indiana law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes;
 - (B) a state agency; or
 - (C) an interstate agency.
- (4) Participate through the department's authorized representatives in proceedings under the Federal Water Pollution Control Act.
- (5) Give consent on behalf of Indiana to requests by the Administrator of the Federal Security Agency to the Attorney General of the United States for the bringing of suit for abatement of pollution.
- (6) Consent to the joinder as a defendant in a suit for the abatement of pollution of a person who is alleged to be discharging matter contributing to the pollution.

As added by P.L.1-1996, SEC.8.

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Effect on other laws

Sec. 2. This chapter, IC 13-13-5-1(1), and IC 13-13-5-2:

- (1) do not amend, alter, or repeal any provision of the water pollution control laws; and
- (2) are supplemental to the other provisions of the water pollution control laws.

As added by P.L.1-1996, SEC.8.

IC 13-18-2-3

List of impaired waters

Sec. 3. (a) The department shall prepare a list of impaired waters for the purpose of complying with federal regulations implementing Section 303(d) of the federal Clean Water Act (33 U.S.C. 1313(d)). In determining whether a water body is impaired, the department shall consider all existing and readily available water quality data and related information. The department, before submitting the list to the United States Environmental Protection Agency, shall:

- (1) publish the list in the Indiana Register;
- (2) make the list available for public comment for at least ninety (90) days; and
- (3) present the list to the board.

If the United States Environmental Protection Agency changes the list, the board shall publish the changes in the Indiana Register and conduct a public hearing within ninety (90) days after receipt of the changes.

(b) The board shall adopt by rule the methodology to be used in identifying waters as impaired. The rule must specify the methodology and criteria for including and removing waters from the list of impaired waters.

As added by P.L.140-2000, SEC.16.